

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                                   |   |                                    |
|-----------------------------------|---|------------------------------------|
| DEMETRIUS BAILEY,                 | ) |                                    |
|                                   | ) | Civil Action No. 09 - 900          |
| Plaintiff,                        | ) |                                    |
|                                   | ) | Judge Donetta W. Ambrose /         |
| v.                                | ) | Magistrate Judge Lisa Pupo Lenihan |
|                                   | ) |                                    |
| PA CHRIS MEYERS; ROBERT TRETINIK; | ) |                                    |
| MARY ANN KUSHNER; JENIFER         | ) |                                    |
| WILLIAMS; DARLENE LINDERMAN;      | ) |                                    |
| BUREAU OF HEALTH CARE SERVICES;   | ) |                                    |
| DORINA VARNER                     | ) |                                    |
|                                   | ) |                                    |
| Defendants.                       | ) |                                    |

**ORDER**

The above captioned case was initiated on July 9, 200, by the filing of a Motion to Proceed In Forma Pauperis (Doc. No. 1) accompanied by a Complaint. Judge Donetta W. Ambrose was assigned to the case on October 26, 2009, with Magistrate Judge Lisa Pupo Lenihan handling all pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The Magistrate Judge's Report and Recommendation (Doc. No. 2), filed on October 27, 2009, recommended that Plaintiff's motion to proceed in forma pauperis (Doc. No. 1) be denied in accordance with 28 U.S.C. § 1915(g) and that this action be dismissed for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen by paying the full \$350.00 filing fee within sixty (60) days. The Plaintiff was served at his address of record, SCI Fayette, Box 9999, LaBelle, PA 15450-0999. The plaintiff was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. As of this date, Plaintiff

has filed no objections. After a review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 23<sup>rd</sup> day of November, 2009;

**IT IS HEREBY ORDERED** that Plaintiff's motion to proceed in forma pauperis (Doc. No. 1) is **DENIED** in accordance with 28 U.S.C. § 1915(g).

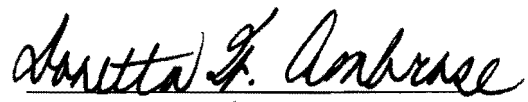
**IT IS FURTHER ORDERED** that this action is DISMISSED for Plaintiff's failure to pay the filing fee. Plaintiff may reopen this case by paying the full \$350.00 filing fee within sixty (60) days of the date of this order.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 2) of Magistrate Judge Lenihan, dated October 27, 2009, is adopted as the opinion of the court.

*This case is closed Yorkhunts.*

Dated:

By the Court:

  
Donetta W. Ambrose  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

Demetrius Bailey  
CP-7819  
SCI Fayette  
Box 9999  
LaBelle, PA 15450-0999